

Bedford Hills, New York  
October 16, 2012

The second meeting for the month of October of the Town Board of the Town of Bedford was held on October 16, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

**Present:** Lee V. A. Roberts : Supervisor  
Peter Chryssos : Councilman  
Francis T. Corcoran : Councilman  
Chris Burdick : Councilman  
  
Lisbeth Fumagalli : Town Clerk  
Joel Sachs : Town Attorney  
William Hayes : Chief of Police  
William Heidepriem : Superintendent of Recreation  
Joan Gallagher : Director of Personnel  
Amy Pectol : Receiver of Taxes

**Absent:** David Gabrielson : Councilman

And eleven (11) residents/observers.

#### ADD AN ITEM TO AGENDA

On a motion by Mrs. Roberts seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby add an item to the agenda under New Business #5 – Accept retirement of Lieutenant Robert Mazurak.

PRESENTATION – by the Open Space Committee on the November 6<sup>th</sup> Referendum

George Bianco and Glenn Ticehurst of the Open Space Acquisition Committee offered a presentation on the proposition that will be on the November 6, 2012 ballot for the Open Space Fund.

#### APPROVAL OF CLAIMS

On a motion by Mrs. Roberts seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED, that the following claims for 2012 be allowed for payment from their respective funds,

	2012
Paid Prior to Audit	\$ 134,340.54
General Fund	87,227.29
Highway Fund	76,665.40
Consolidated Water District	17,472.12
Cedar Downs Water District	54.23
Farms Water District	37.00
Old Post Road Water District	379.00
Drug Abuse	369.77
Energy	24,827.16
Special Districts:	
Bedford Village Memorial Park	4,617.65
Bedford Hills Memorial Park	868.05
Katonah Memorial Park	1,107.19
Bedford Paramedic District #1	72,454.00
Capital Projects	<u>113,716.26</u>
	\$ 534,135.66

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MONTHLY REPORTS – Mrs. Roberts advised that the monthly reports were available in the Offices of the Supervisor and Town Clerk for review during regular business hour.

## DEPARTMENTS

1. Retiree health insurance vesting requirement for officials whose first term starts on or after January 1, 2013.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the requirement that all elected officials whose first term begins on or after January 1, 2013 must have the equivalent of ten (10) years of full-time service in order to receive health insurance benefits in retirement, as per the memorandum dated October 9, 2012 from Joan Gallagher, Director of Personnel.

2. Health insurance and salary increases for elected officials and non-union full time employees.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran  
Nays: Burdick  
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve an increase towards health benefits for all elected and non-union full time employees to 15% starting January 1, 2013 and all employees hired after January 1, 2010 would continue to contribute 20%. In addition all full time non-union employees and elected officials will receive a 1.5% annual salary increase effective January 1, 2013.

NOTE: Mr. Burdick wanted the record to show that he was in favor of the increase in the contribution for health care benefits but not in favor of the increase for part time elected officials. He asked that Mr. Ritter be notified that he would not accept the increase.

3. Recreation and Parks Department's Advisory Committee recommendation to keep non-resident membership at the Canine Commons Dog Park at 50 permits.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the recommendation of the Recreation and Parks Department's Advisory Committee (RPAC) to keep the number of non-resident Canine Commons Dog Park permits at fifty (50), as per the letter dated October 3, 2012 from Brian McCabe, Chairman, Recreation and Parks Department's Advisory Committee (RPAC) and it is further

RESOLVED that the Town Board does hereby deny the request from the Bedford Dog Owner's Group (BDOG) to increase the number of non-resident Canine Commons Dog Park permits to seventy-five (75).

4. Request to go to bid for electrical system replacement at the three (3) pool facilities filter rooms.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Superintendent of Recreation, William Heidepriem, to advertise for bids for new pool filter room electrical systems

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for the pool facilities in the Bedford Village, Bedford Hills and Katonah Memorial Parks, as per the memorandum from Mr. Heidepriem dated October 11, 2012.

5. Request to retain DeSantis Consulting for new playground project at Bedford Village Memorial Park.

On a motion by Mr. Burdick, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval to retain the services of DeSantis Consulting LLC for the purpose of assisting the Department of Recreation and Parks in the development of a playground plan in the Bedford Village Memorial Park at a cost of \$5,000 with the Chowder and Marching Club committing \$2,500 towards the cost of the project, as per the memorandum dated October 12, 2012 from William Heidepriem, Superintendent of Recreation and Parks.

#### CORRESPONDENCE

1. Request from Bedford Hills Neighborhood Association for Police Coverage Saturday, December 1<sup>st</sup> at their annual Tree Lighting.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Bedford Hills Neighborhood Association (BHNA) to hold their third (3<sup>rd</sup>) annual tree lighting in Bedford Hills on Saturday, December 1, 2012 at 5:00pm, with assistance of two (2) Police Officers to be provided by the Town of Bedford Police Department, the related costs to be paid by the Bedford Hills Neighborhood Association.

2. Katonah Chamber of Commerce request to use Lot #2 for Halloween Event Sunday October 28<sup>th</sup>.

On a motion by Mr. Burdick, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Katonah Chamber of Commerce to use Commuter Lot #2 for a Halloween Event on Sunday, October 28, 2012 from 2:00pm to 4:00pm.

3. Request to close part of Appleby Drive for Halloween block party Saturday, October 27<sup>th</sup>.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the closure of Appleby Drive between #31 to #44 on Saturday, October 27, 2012 from 3:00pm to 5:00pm for a Halloween Block Party as per the request from Alisa Harrison, 37 Appleby Drive.

4. Request to relocate a no parking sign on The Terrace. Set Public Hearing.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

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RESOLVED that the Town Board does hereby set a public hearing to discuss the relocation of a no parking sign on The Terrace in Katonah for Wednesday, November 7, 2012 at 7:45 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

#### NEW BUSINESS

1. Authorize Supervisor to sign Bedford Post agreement to host the Westchester Municipal Officials dinner/meeting January 10, 2013.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the agreement with the Bedford Post, 954 Old Post Road, Bedford, New York, to host the Westchester Municipal Officials Association (WMOA) dinner/meeting on Thursday, January 10, 2013, at a cost of \$5,551.00.

2. Authorize Supervisor to sign agreements with East of Hudson Watershed Corporation:
  - a. Agreement for installation of Stormwater Retrofit Project on Private Property.

This matter was reviewed, however, the Town Board did not vote on it.

- b. Agreement for installation of Stormwater Retrofit Project on Municipal Property.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the agreement between the Town of Bedford and the East of Hudson Watershed Corporation for the installation of a Stormwater Retrofit Project on property owned by the Town of Bedford, subject to the approval of the Town Attorney of the wording regarding risk management.

- c. Agreement for Reimbursement of Stormwater Retrofit Expenses incurred by Member Municipality.

On a motion by Mr. Burdick, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the agreement between the Town of Bedford and the East of Hudson Watershed Corporation for the reimbursement of expenses incurred for the design, environmental review, permitting, acquisition of land and/or easements, bidding, construction and/or installation of storm water retrofit projects included in regional storm water plans approved by the New York State Department of Environmental Conservation (NYSDEC).

3. Set Work Sessions.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None  
Absent: Gabrielson

RESOLVED that the Town Board shall conduct work sessions on the 2013 Town of Bedford budget on Wednesday, November 14, 2012 at 7:30pm and Wednesday, November 28, 2012 at 7:30 pm at the Town House Annex, 425 Cherry Street, Bedford Hills, New York.

4. Executive Session – Litigation and possible property acquisition.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick  
Nays: None

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Absent: Gabrielson

RESOLVED that the Town Board shall discuss litigation and the possible acquisition of property in an executive session to be conducted at the conclusion of the regular meeting.

5. Accept retirement of Lieutenant Robert Mazurak from the Bedford Town Police.  
On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick

Nays: None

Absent: Gabrielson

RESOLVED that the Town Board does hereby accept the resignation for the purpose of retirement from Lieutenant Robert Mazurak, from the Town of Bedford Police Department, effective December 31, 2012.

There being no further discussion the Town Board adjourned to executive session at 9:25pm.

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Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session - Town Board of the Town of Bedford -October 16, 2012

At approximately 9:25 p.m. the Town Board voted to go into Executive Session in order to discuss the possible acquisition of real property by the Town and a litigation claim against the Town.

Attending the Executive Session was Supervisor Roberts and Town Councilpersons Chryssos, Corcoran, Burdick and Gabrielson. Also attending were Police Chief William Hayes and Town Receiver of Taxes Amy Pectol. Town Attorney Joel Sachs also attended.

At the beginning of the meeting, the Town Board unanimously appointed Joel Sachs as Acting Town Clerk.

Amy Pectol then explained that the Town was considering commencing a foreclosure action in regard to certain commercial property located at 140 Green Lane, Bedford Hills, New York. Although no approval from the Town Board is necessary before the foreclosure action was commenced, the Receiver of Taxes indicated that she wanted to keep the Town Board apprised of the proposed foreclosure action.

Thereafter, Receiver Pectol left the Executive Session.

Next, Chief Hayes and Town Attorney Sachs explained that a Notice of Claim against the Town had been filed based upon the actions of the alleged conduct of two members of the Town of Bedford Police Department in effectuating the arrest of the claimant. It was explained that there had been a prior discussion among Chief Hayes, Town Attorney Sachs and Supervisor Roberts with an attorney for the Town's insurance carrier. After discussion among the Board members, Town Attorney Sachs and Police Chief Hayes were directed to advise the attorney for the Town's insurance carrier that no offer of settlement would be made to the claimant made by the Town at this time.

There being no further business before the Town Board, the Executive Session was adjourned at approximately 10:00 p.m.

Respectfully submitted,

Joel H. Sachs  
Town Attorney and Acting Deputy Town  
Clerk